

AND NOW, this 28<sup>th</sup> day of September, 2011, after the Plaintiff, Brian Fielder, filed an action in the above-captioned case, and after a Motions to Dismiss were filed by Defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until September 23, 2011, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this


Court,

IT IS HEREBY ORDERED that the Motion to Dismiss of the Judicial Defendants, ECF No. [47], is granted and the Operative Complaint is dismissed against the Judicial Defendants with prejudice.

IT IS FURTHER ORDERED that the Motion to Dismiss of the Mercer County Defendants, ECF No. [49], is granted and the Operative Complaint is dismissed as against them with prejudice.

IT IS FURTHER ORDERED that the Motion to Dismiss of the Department of Corrections Defendants, ECF No. [45], is granted and the Operative Complaint is dismissed as against them with prejudice.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

  
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NORA BARRY FISCHER  
United States District Judge

cc: Honorable Maureen P. Kelly  
United States Magistrate Judge

Brian Fielder  
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All Counsel of Record by electronic filing